IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 5286 OF 1999

Union of India & Ors. Petitioner

Vs.

Dashrath B. Ughade Respondent

None for the petitioner.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 10, 2007.

P.C.

. When the matter is called out, none present for the parties. We have perused the impugned order of Central Administrative Tribunal, Mumbai. The learned Bench of this Court by order dated 22nd September 1999 had dismissed the petition, on the ground that the order does not suffer from any infirmity. The petitioner preferred a review . Review was allowed and thereafter petition came to be admitted by the order dated 26th September 2006. There is no interim relief.

2. The respondent had moved the Central Administrative Tribunal by Original Application No. 629 of 1998. The relief sought for in the said Original Application was -

i) to grant temporary status to the applicant;

ii) the regularise the applicant in service;

iii)other consequential reliefs.

. The learned Tribunal relied on O.M. dated 10-9-1993, in the matter of granting temporary status to those who were casual labourers on the date of the scheme coming into force i.e. 1-9-1993. One of the requirements was that the workman should have completed 240 days of service in a year.

3. The Tribunal recorded a finding that the petitioner has completed 240 days of service or above in all a year, from 1988 to 1995. The Tribunal, therefore, found that the petitioner had made out a case, and granted temporary status, based on the O.M. dated 10-9-1993 and accordingly granted the relief.

4. So far as the relief of regularisation is concerned, the Tribunal found that the petitioner was unable to show that his juniors have been regularised, and in these circumstances, not pass any order for regularisation, but merely issued direction that the case of the respondent shall be considered for regularisation, as per the existing rules as and when his turn comes as per his

seniority. Certain other directions for the re - engagement were given, considering that his service has been terminated during the pendency of the Original Application.

3. The petitioners have annexed a chart. Even if chart is considered, in the years 1990 to 1992 the respondent had put in more than 240 days of service, for each of those years.

4. Considering that we do not find any infirmity in the orders passed by the Tribunal. In the light of that, petition is dismissed with no orders as to costs.

[R.**V. MORE,J.]** [**F. I. REBELLO, J.]**